



STATE OF NEW YORK  
OFFICE OF THE ATTORNEY GENERAL

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**By Hand**

Honorable William H. Pauley  
United States District Judge  
Southern District of New York  
500 Pearl Street  
Room 2210  
New York, New York 10007

August 15, 2008

AUG 18 2008

MEMO ENDORSED

Re: Federal Express Corp. v. Brockington et al.(07 CV 4775)(WHP)

Your Honor:

This Office is counsel for defendants Kumicki Gibson, Margaret Gormley-King, Caroline Downey, sued individually and in their capacities as officials in New York State's Division of Human Rights and for the New York State Division of Human Rights (collectively, the "State defendants"). This action seeks a declaration that a civil rights matter commenced administratively in the New York State Division of Human Rights ("DHR") by defendant Isaac L. Brockington against plaintiff Federal Express is preempted by the Employee Retirement Income Security Act ("ERISA"), and an injunction against those DHR proceedings.

On August 17, 2007 this Court entered an order directing that the parties "report whether they have resolved the ERISA preemption issue by September 7, 2007." The Court then extended that date several times at the joint requests of the State defendants and plaintiff. We write now, on behalf of the State defendants and plaintiff jointly, to report on the status of the case.

Since the last status letter, on May 16, 2008, I have not yet received a new draft of the settlement stipulation from plaintiff's counsel. The administrative hearing in this matter has been completed. The parties have prepared findings of fact based on those hearings, and now await the ALJ's decision.

In light of the status of the administrative hearing, the parties therefore respectfully request that the Court set the new date for a status report as October 30, 2008.

Application granted.  
SO ORDERED:

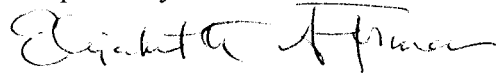
WILLIAM H. PAULEY III U.S.D.J.

8/22/08

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Thank you for your assistance with this matter.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Elizabeth A. Forman".

Elizabeth A. Forman  
Assistant Attorney General

cc: Ian Harris, Esq. (by fax)  
Colby S. Morgan, Esq. (by fax)  
Mr. Isaac L. Brockington (by mail)